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APPLICATION NO.: 10/766,298

ATTY. DOCKET NO.: \$1404.70004US01

INFORMATION DISCLOSURE STATEMENT BY APPEL CANNOT

FILING DATE: January 27, 2004

CONFIRMATION NO.: Not Yet Assigned

APPLICANT:

David Spencer

Sheet I of 2

GROUP ART UNIT: Not Yet Assigned EXAMINER: Not Yet Assigned

U.S. PATENT DOCUMENTS

Examiner's	Cite	U.S. Patent Documen	t	Name of Patentee or Applicant of Cited	Date of Publication or of issue	
Initials	No.	Number	Kind Code	Document	of Cited Document MM-DD-YYYY	
N	Al*	3,937,953		Stafford R. Wayne et al.	02-10-1976	
	A2*	4,317,521		Clark et al.	03-02-1982	
	A3*	4,606,760		Fritz et al.	08-09-1986	
	. A4*	4,655,437		Fritz et al.	04-07-1987	
	A5*	4,834,870		Osterberg et al.	05-30-1989	
	A6*	4,848,590	·	Kelly	07-18-1989	
	A7*	4,869,811		Wolanski et al.	09-26-1989	
	A8*	5,060,871		Brassinga et al.	10-29-1991	
	A9*	5,236,092		Krotkov et al.	08-17-1993	
	A10*	5,260,576		Sommer, Jr. et al.	11-09-1993	
	A11*	5,418,826		Sato et al.	05-1995	
	A12*	5,424,959		Reyes et al.	06-1995	
	A13*	5,520,290		Kumar et al.	05-28-1996	
	A14*	5,570,406		Komatani	10-1996	
	A15*	5,663,997		Willis et al.	09-02-1997	
	A16*	5,676,256		Kumar et al.	10-14-1997	
	A17*	5,738,224		Sommer, Jr. et al.	04-14-1998	
	A18*	5,902,177		Tessier et al.	05-11-1999	
8	A19*	5,931,308		Gesing et al.	08-03-1999	
	A20*	6,266,390		Sommer, Jr. et al.	07-24-2001	
1	A21*	6,519,315	B2	Sommer, Jr. et al.	02-11-2003	
+N	A22*	6,545,240	B2	Kumar	04-08-2003	

FOREIGN PATENT DOCUMENTS

Examiner's Initials	Cite	Foreign Patent Document			Name of Patentee or Applicant of Cited	Date of Publication of	Translation
	No.	Office/ Country	Number	Kind Code	Document (not necessary)	Cited Document MM-DD-YYYY	(Y/N)
+M	Bl	wo	99/61671		•	02-12-1999	
	B2	wo	01/21317	A1		03-29-2001	A
	В3	wo	02/50521	A2		06-27-2002	
	B4	CA	1073408			03-11-1980	
	B5	CA	702,263			01-19-1965	
	B6	CA	897800			04-11-1972	
	B7	CA	923601			03-27-1973	
19	B8	JA	10-216651			08-18-1998	N

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)-1449/A and B (i		1 -	ARE LICATION NO.:	10/766,298	ATTY. DOCKET NO.: \$1404.70004US01
INFO	RMATION	DISCI	OSURE	APPLICANT	January 27, 2004	CONFIRMATION NO.: Not Yet Assigned
STAT	EMENT BY	APP	LICANT	APPLICANT:	David Spencer	
Sheet	2	of	2	GROUP ART UNIT:	Not Yet Assigned	EXAMINER: Not Yet Assigned

OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Cite Initials No		Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.						
Tu	Cl	Yin L. et al, "A Pattern Recognition Approach in x-ray fluorescence analysis" neclear Instruments & Methods in Physics Research, Section - A: Accelerators, Spectrometers, Detectors and Associated Equipment, NL, North-Holland Publishing Co., Amsterdam, Vol. A277, no. 2/3 + index, 1 May 1989, pgs 619-626						
	C2	C2 Patent Abstracts of JAPAN, Vol. 1998, no. 13, 30 Nov. 1998; JP 10 216651 A (Ishikawajima Harima Heavy Ind Co. Ltd), 18 Aug 1998						
	C3	TN Spectrace, "Alloy Analyzer: Lightweight and portable, the TN Alloy Analyzer is a non-destructive, easy-to-use and accurate alloy identification and analysis tool" advertisement, 1992 (2 sheets)						
	C4	TN Technologies, "Alloy Analysis" Application Information Form, July 1997 (2 pages)						
	C5	Norman F. Johnson, "Replacing antiquated acid spot testing with a portable metal analyzer" American Laboratory News Edition, June 1991 (4 pages)						
	C6	TN Technologies, "The Metallurgist Pro" advertisement, 12/98 (2 pages)						
	C7	Niton Corporation, "Are you losing money selling too many loads of unsorted scrap?" flyer for the Alloy Analyzer (1 page)						
	C8	Niton Corporation, "Niton Alloy Analyzer" advertisement (2 pages)						
	C9	Arun Technology, Inc., A Roxboro Group Company, "The New Metalsort 1610" order form (1 page)						
	C10	Arun Technology, Inc., "Bangs or Bucks" mailer for the Metalscan 1650 and Metalscan 2000 (2 pages)						
	Cli	TN Technologies, "Metals Sorting & Analysis" advertisement for the Metallurgist Pro (2 pages)						
	C12	TN Spectrace, "Power Solutions for Materials Analysis" booklet for Metallurgist® (8 pages)						
	C13	TN Spectrace, "Metallurgist® System Specifications," information sheet (1 page)						
	C14	Niton Corporation, "Leader in Portable XRF Technology" information booklet regarding the XL-309 Spectrum Analyzer Lead Detector and the 700 series Multi-Element Spectrum Analyzer (8 pages)						
	C15	TN Technologies, "Metallurgist Pro: Alloy Analysis and Metal Sorting" advertisement in Recycling Today, p. 68 November 199?? (1 page)						
	C16	Spectro Analytical Instruments, "The Profit Machine" advertisement in Recycling Today, p. 69, November 199?? (1 page)						
	C17	9266 Alloy Analyzer, Full Library Alloy List (Version S) Alphabetical and Table 4.2A Abbreviated Library Alloy List Alphabetical (2 pages)	2 1					
Th	C18	9277 Metallurgist-XR, Table 1A Alloy Library Categorized List (2 pages)						
12		EXAMINER DATE CONSIDERED						

#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

^{*}a copy of this reference is not provided in accordance with the waiver notice of July 11, 2003 from the Patent and Trademark Office.

Approved for use through 07/31/2008. OMB 0651-0031

10/766298-Conf. #9344

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Application Number

litute for form 1449A/B/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Filing Date January 27, 2004 First Named Inventor Edward J. Sommer, Jr. Art Unit 3654

Complete if Known

T. H. Matthews **Examiner Name** Sheet 1 1 S1404.70004US01 Attorney Docket Number

	U.S. PATENT DOCUMENTS														
Examin	er	Cite No.	Cite			Cita		Cito	Cito	Cite	Cite	Document Number	Publication Date	Name of Datastas	Pages, Columns, Lines, Where
Initials*	nitials* No.		Number-Kind Code ² (if known)	MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Relevant Passages or Relevant Figures Appear									
7/1	<u>^</u>		3,903,414	9/1/1975	Herbstein et al.										
			5,060,871	10/29/1991	Brassinga et al.										
			6,765,986	7/20/2004	Grodzins et al.										
			6,801,595	10/5/2004	Grodzins et al.										
			6,421,415	7/1/2002	Peczkis et al.										
			6,459,767	10/1/2002	Boyer	·									
11			2004/0066890	4-8-2004	Dalmijn et al.										
<u> </u>															
	\perp														
					•										

····		FOREI	GN PATENT	DOCUMENTS		
Examiner Initials*	Cite No.	Foreign Patent Document Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or 'Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T⁰
PA		JP 08313460	11-01-1996	Shunichi et al. (English abstract)		TX
	L.,	JP 09167789	06-01-1997	Takanobu (English translation)		X
		WO 97/20342	11-26-1996	Orava et al.		1
		WO 98/37436	02-20-1998	Jalas, Panu		1
		WO 99/61671	12-02-1999	Brinkman, Hendrik-Johan		\top
	<u> </u>	WO 99/64853	06-12-1998	Miyamoto, et al. (English abstract)		X
•	<u> </u>	WO 01/21317 A1	03-29-2001	REM, Peter, Carlo		十
		WO 02/063286	02-07-2002	Grodzins et al.	· · · · ·	+
_		WO 02/090955	05-03-2002	Grodzins et al.		╅—
		WO 02/103710	06-18-2002	Chen, Zewu	,	+
711		WO 02/50521 A2	06-27-2002	Dalmijn, Wijnand		十

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NON PATENT LITERATURE DOCUMENTS										
Examiner Initials	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T²							
		Appendix from U.S. Patent No. 6,801,595								
TH		"Austin Al's Automated XRF Sorting & Separating System Deemed Best Available Technology for Metals, Plastics & Glass Industries," www.austinai.com, April 8, 2005.								
+M		Freifeld, K., "Art Analysis: Probing Beneath the Image," IEEE Spectrum, IEEE Inc., Jun. 1, 1986, pp. 66-71, New York								
74		"Research Report", Literature search of Computer and Engineering databases; Wolf, Greenfield, February 27, 2006.								

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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	EMENT BY			APPLICANT: Edward J. Sommer, et al.	
				GROUP ART UNIT: 3654	EXAMINER: T.H. Matthews
Sheet	. 1	of	1		

U.S. PATENT DOCUMENTS

Examiner's Initials #	Cite	U.S. Patent Document		Name of Patentee or Applicant of Cited	Date of Publication or Issue	
	No.	Number	Kind Code	Document	of Cited Document MM-DD-YYYY	
TM	A23	6,765,986		Grodzins et al.	07-20-2004	
<i>F14</i>	A24	6,801,595		Grodzins et al.	10-05-2004	
•						
	ļ					
					 	
	 					

FOREIGN PATENT DOCUMENTS

Examiner's Initials #	Cite	Gita Foreign Patent Document		ment	Name of Patentee or Applicant of Cited	Date of Publication of	Translation
	No.	Office/ Country	Number	Kind Code	Document Document	Cited Document MM-DD-YYYY	(Y/N)
TM	B9	wo	02/10370		X-Ray Optical Systems, Inc.	12-27-2002	
•							
	1						
	1			†			<u> </u>
	† <u>.</u>	1					<u> </u>

OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials #	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)

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